

EXHIBIT K

Designation of Deposition Testimony of Lyle Winn

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
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6 In re:) Case No. 13-53845
7 CITY OF DETROIT, MICHIGAN)
8) Chapter 9
9 Debtor)
10) Hon. Steven W. Rhodes
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13 The Deposition of LYLE E. WINN, PE,
14 Taken at 51301 Schoenherr Road,
15 Shelby Township, Michigan,
16 Commencing at 2:08 p.m.,
17 Thursday, July 10, 2014,
18 Before Melinda S. Moore, CSR-2258.
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1 livelihood?

2 A. No, I'm not aware of that.

3 Q. Are you aware of any litigation at all

4 involving --

5 MR. ADDIS: What period of time?

6 MS. HATHAWAY: Let me finish my

7 question.

8 BY MS. HATHAWAY:

9 Q. -- involving homeowners or business people whose

10 use of their home or business were affected?

11 A. No, I'm not aware of those.

12 Q. All right. Let's go through what has been marked

13 as Exhibit 4. What is this first page?

14 A. This first page is the cost estimate we prepared

15 for the repair project.

16 Q. By saying "we," you mean Nancy?

17 A. "We" as in the company.

18 Q. Okay. You didn't do it?

19 A. I did not do it.

20 Q. Okay. The first item is Emergency Work Estimate

21 (Rounded through September 30, 2004). Then

22 there's a number of 11,600,000, more or less.

23 A. Yes.

24 Q. How was that arrived at?

25 A. That was -- specifically to that date, it ties to

1 the budget estimate prepared by Inland Waters that
2 had that same date. It was a date that was
3 determined to be where the initial emergency was
4 abated, if you will, stabilized, and then
5 following that would have been the repair efforts.

6 Q. You say the initial emergency was abated. What
7 had been done up through September 30th of 2004
8 on this project?

9 A. Based on what I've reviewed, it appears that the
10 main object was to -- there were several. There
11 was to provide bypass pumping of the sewage flows
12 that were coming to that location, so in order to
13 maintain sewage flows, and secondly to stabilize
14 the soils around the sinkhole.

15 Q. And what did they have to do to accomplish those
16 goals?

17 A. To accomplish the bypass pumping they had to --

18 Q. Well, to abate the emergency is my question.

19 A. Okay. They had to install a pumping system, pipes
20 that transport what they were pumping to an
21 outlet, provide bulkheads on the existing sewer
22 lines so that they could -- they didn't have
23 sewage flowing into the sinkhole area where the
24 work was going to occur. And they had to install
25 steel sheeting to stabilize the soils that were

1 around the sinkhole.

2 Q. What about pressure grouting?

3 A. I saw references to pressure grouting. I don't
4 know where all it was applied in all cases.

5 Q. What is pressure grouting?

6 A. Pressure grouting is essentially pumping called a
7 grout material. It's sometimes cementitious or
8 other materials to solidify the soils and stop
9 flow -- water flow going through the soils.

10 Q. Have you ever used pressure grouting?

11 A. Yes.

12 Q. Do you know how much of it was necessary here in
13 order to stabilize the soils?

14 A. I do not.

15 Q. Do you know if Ms. Shirkey knew when she was
16 doing her work?

17 A. I do not.

18 Q. All right. So what does this 11,600,000 -- where
19 did that come from?

20 A. I believe that was a summary of the work from the
21 final estimate summary of the first two months,
22 August and September.

23 Q. So that was a number that she got from --

24 A. The documents that were provided.

25 Q. -- an estimate from Inland?

1 A. No.

2 Q. You agree that there was an emergency and
3 emergency bypass needed to be created, correct?

4 A. At the onset of the project, yes.

5 Q. Do you know what the dewatering company did prior
6 to the bypass being put in?

7 A. No, I don't.

8 Q. What do you think they did? What would they
9 normally do if you were trying to create a bypass
10 in the situation?

11 A. Well, quite frankly, we viewed everything that
12 occurred prior to September 30th as we were not
13 disputing that; so we did not question or even
14 evaluate what they were doing at that point. We
15 took it as it was a true emergency, these are the
16 expenses, and we just took it at face value.

17 Q. Why was it an emergency? What were the risks
18 associated with it?

19 A. The main emergency is the fact that the sewage
20 flows will back up and flood basements upstream
21 from that.

22 Q. And that's a real health risk?

23 A. That's a significant health risk.

24 Q. All right. Do you know how many dewatering wells
25 were eventually used?

1 MR. ADDIS: Anthony.

2 (Off the record at 3:57 p.m.)

3 (Back on the record at 3:58 p.m.)

4 BY MS. HATHAWAY:

5 Q. Mr. Marrocco, did you ever talk to Mr. Marrocco
6 about anything associated with this assignment?

7 A. I have not.

8 MS. HATHAWAY: All right. I'm done.

9 Thank you very much.

10 THE WITNESS: Thank you.

11 EXAMINATION

12 BY MR. ADDIS:

13 Q. I don't normally do this, but I have just a few
14 clarifying questions.

15 MS. HATHAWAY: You know that means I'll
16 have clarifying questions.

17 MR. ADDIS: I know it will.

18 BY MR. ADDIS:

19 Q. You were just asked a question about contacts
20 with Mr. Marrocco.

21 A. Yes.

22 Q. Prior to this litigation did Mr. Marrocco ever
23 ask you to do anything on this case directly?

24 A. Myself, no.

25 Q. Okay. At some point in time, as you provided

1 that here, AEW did a review of Inland's budget.

2 Is that correct or incorrect?

3 A. That is correct.

4 Q. In fact, is it correct or incorrect that Inland
5 had two budgets, first a preliminary one and then
6 a final one? Do I have that right?

7 A. Yes.

8 Q. And if I'm wrong, tell me, okay?

9 What were you asked to provide to
10 Macomb, AEW, and when were you asked to provide
11 it?

12 A. We were asked to provide an engineer's opinion of
13 cost for the repair work, and that was in roughly
14 March, I believe, of '11 -- 2011.

15 Q. Okay. And as you testified here today, in that
16 comparison, you were sometimes higher than Inland
17 on some portions and lower than Inland on others;
18 is that accurate or inaccurate?

19 MS. HATHAWAY: Objection, leading.

20 BY MR. ADDIS:

21 Q. You can say yes or no.

22 A. Yes.

23 MS. HATHAWAY: That means it's leading,
24 doesn't it?

25 BY MR. ADDIS:

1 Q. Accurate or inaccurate?

2 A. Accurate.

3 Q. How did you become aware of the final price?

4 A. We saw the final price in the agreement for the
5 purchase of the sewer system from Detroit by
6 Macomb County.

7 Q. Okay. In the estimate that you provided to
8 Macomb, what was your final number, the budget?

9 A. \$28,828,490.

10 Q. And the final number that you finally located was
11 what, the final price paid?

12 A. 54 million, and I don't know the change after
13 that.

14 Q. Okay.

15 MR. ADDIS: I don't have anything more.

16 RE-EXAMINATION

17 BY MS. HATHAWAY:

18 Q. Your estimate was based on largely your review of
19 the Inland budget, correct?

20 A. And the NTH plans.

21 Q. All right. The Inland budget changed
22 significantly as they did the project.

23 A. At some point it changed. All I have is the
24 beginning budget and the final summary.

25 Q. All right. So Inland thought that it was going

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF MACOMB)

I, MELINDA S. MOORE, certify that this

deposition was taken before me on the date

hereinbefore set forth; that the foregoing

questions and answers were recorded by me

stenographically and reduced to computer

transcription; that this is a true, full and

correct transcript of my stenographic notes so

taken; and that I am not related to, nor of

counsel to, either party nor interested in the

event of this cause.



Melinda S. Moore

MELINDA S. MOORE, CSR-2258

Notary Public,

Macomb County, Michigan

My Commission expires: September 6, 2016